County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE
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DAVID E. JANSSEN
Chief Administrative Officer

May 24, 2005

To: Supervisor Gloria Molina, Chair
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

WASHINGTON, D.C. UPDATE

State Criminal Alien Assistance Program (SCAAP)

On May 23, 2005, the Senate passed S. 188 (Feinstein, D-CA), which would authorize the following annual SCAAP funding levels: $750 million in Federal Fiscal Year (FFY) 2006, $850 million in FFY 2007, and $950 million in FFY 2008 through 2011. Actual annual SCAAP funding would be subject to available appropriations, which may not exceed the above amounts. The bill also includes language requiring that state and local governments use SCAAP funds only for correctional purposes, which responds to the Administration's criticism that SCAAP funds currently may be used "for any purpose and often simply enhance State/local revenue."

Today, the House Science, State, Justice, and Commerce (SSJC) Appropriations Subcommittee passed a FFY 2006 SSJC appropriations bill, which would increase SCAAP funding from $301 million in FFY 2005 to $355 million for SCAAP, and cut Justice Assistance Grant (JAG) funding from $626 million in FFY 2005 to $348 million. The President's proposed FFY 2006 Budget called for the elimination of both programs. Historically, the Senate appropriates little or no funding for SCAAP, and the final annual SCAAP funding never has exceeded the amount appropriated by the House.

Medicaid Commission

Today, the Department of Health and Human Services (HHS) issued the attached Federal Register notice (Attachment I) on the establishment of a Medicaid Commission that differs from the one which would have been established under S. 338 (Smith, R-OR and Bingaman, D-NM) or the Smith-Bingaman amendment to the Senate-passed FFY 2006 budget resolution. That amendment would have created an independent

Medicaid reform commission in lieu of instructing that Medicaid be cut by up to $15 billion over five years. The final version of the budget resolution, however, includes $10 billion in Medicaid cuts over five years. To secure their "aye" votes for the budget resolution, moderate Republicans, such as Senator Smith, received a commitment that a Medicaid reform commission would be established.

As indicated in Attachment I, the Secretary of HHS will appoint 15 voting members to the Medicaid Commission, which also would have up to 23 non-voting members of whom up to 15 members would be appointed by the Secretary and 8 members appointed by Congressional leaders from both parties. HHS is accepting nominations for its Commission that are due by June 3, 2005. In contrast, the commission in S. 338 would have had 23 voting members, including one member appointed by the President, 12 members appointed by Congressional leaders from both parties, eight appointed by state and local associations (including two by the National Association of Counties), and two appointed by the U.S. Comptroller General. Senator Bingaman has criticized the new HHS Medicaid Commission on the grounds that, because all voting members will be appointed by HHS, the recommendations are likely to reflect the Administration's positions. Senator Smith has not yet released a statement on the new commission.

HHS' Medicaid Commission must submit two reports to HHS. The first, due by September 1, 2005, would recommend options to achieve $10 billion in Medicaid savings over five years. The second report, due by December 31, 2006, would make longer term recommendations on Medicaid program changes.

National Rail Safety Action Plan

Last week, Transportation Secretary Mineta announced the release of the Federal Railroad Administration's (FRA) rail safety action plan (Attachment II). This plan seeks to increase rail safety by reducing human factor accidents, improving track safety, enhancing hazardous materials safety and emergency preparedness, strengthening FRA inspections and enforcement, and improving highway-rail grade crossing safety.

We will continue to keep you advised.

DEJ:GK
MAL:MT:ib

Attachments

c: Executive Officer, Board of Supervisors
County Counsel
All Department Heads
Legislative Strategist

data collection/entry employee well documented (*e.g.*, letter of commitment/contract, position descriptions, resumes)?—3 Points.

V.2. Review and Selection Process

Applications will be reviewed for completeness by the Procurement and Grants Office (PGO) staff and for responsiveness by NCCDPHP. Incomplete applications and applications that are non-responsive to the eligibility criteria will not advance through the review process. Applicants will be notified that their application did not meet submission requirements.

A Special Emphasis Review Panel consisting of external experts will evaluate complete and responsive applications according to the criteria listed in the "V.1. Criteria" section above.

The review process will be directed by the Procurement and Grants Office (PGO) staff to ensure compliance with HHS and CDC grant review guidelines.

In addition, the following factors may affect the funding decision:

- Geographic diversity—Not more than one grant awarded per state.
- Rural and urban settings—A balanced mix of grants to Native populations living in urban settings and reservation/rural communities.

CDC will provide justification for any decision to fund out of rank order.

V.3. Anticipated Announcement and Award Dates

The anticipated award announcement date is August 31, 2005.

VI. Award Administration Information

VI.1. Award Notices

Successful applicants will receive a Notice of Award (NoA) from the CDC Procurement and Grants Office. The NoA shall be the only binding, authorizing document between the recipient and CDC. The NoA will be signed by an authorized Grants Management Officer, and mailed to the recipient fiscal officer identified in the application. Unsuccessful applicants will receive notification of the results of the application review by mail.

VI.2. Administrative and National Policy Requirements

45 CFR part 74 and part 92. For more information on the Code of Federal Regulations, see the National Archives and Records Administration at the following Internet address: *http://www.access.gpo.gov/nara/cfr/cfr-table-search.html.*

The following additional requirements apply to this project:

- AR–9 Paperwork Reduction Act Requirements.
- AR–10 Smoke-Free Workplace Requirements.
- AR–11 Healthy People 2010.
- AR–12 Lobbying Restrictions.
- AR–14 Accounting System Requirements.
- AR–15 Proof of Non-Profit Status.
- AR–25 Release and Sharing of Data.

Additional information on these requirements can be found on the CDC Web site at the following Internet address: *http://www.cdc.gov/od/pgo/funding/ARs.htm.*

An additional Certifications form from the PHS 5161–1 application needs to be included in your Grants.gov electronic submission only. Refer to *http://www.cdc.gov/od/pgo/funding/PHS5161–1Certificates.pdf.* Once the form is filled out, attach it to your Grants.gov submission as Other Attachment Forms.

VI.3. Reporting Requirements

You must provide CDC with an original, plus two hard copies of the following reports:

1. Interim progress report, due no less than 90 days before the end of the budget period. The progress report will serve as your non-competing continuation application, and must contain the following elements:
   a. Current Budget Period Activities Objectives.
   b. Current Budget Period Financial Progress.
   c. New Budget Period Program Proposed Activity Objectives.
   d. Budget.
   e. Measures of Effectiveness.
   f. Additional Requested Information.
2. Financial status report, no more than 90 days after the end of the budget period.
3. Final financial and performance reports, no more than 90 days after the end of the project period.

These reports must be mailed to the Grants Management or Contract Specialist listed in the "Agency Contacts" section of this announcement.

VII. Agency Contacts

We encourage inquiries concerning this announcement.

For general questions, contact: Technical Information Management Section, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341; Telephone: 770–488–2700.

For program technical assistance, contact: Maria E. Burns, Project Officer, c/o 1720 Louisiana Blvd., NE, Suite 208, Albuquerque, New Mexico 87110; Telephone: (505) 240–0477; e-mail: *mburns@cdc.gov.*

For financial, grants management, or budget assistance, contact: Tracey Sims, Grants Management Specialist, CDC Procurement and Grants Office, 2920 Brandywine Road, Atlanta, GA 30341; Telephone: 770/488–2739; e-mail: *atu9@cdc.gov.*

VIII. Other Information

This and other CDC funding opportunity announcements can be found on the CDC Web site, Internet address: *http://www.cdc.gov.* Click on "Funding" then "Grants and Cooperative Agreements."

William P. Nichols,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 05–10297 Filed 5–23–05; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–2214–N]

Medicaid Program; Establishment of the Medicaid Commission and Request for Nominations for Members

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Notice.

SUMMARY: This notice announces the establishment of the Medicaid Commission and discusses the group's purpose and charter. It also solicits nominations for members.

DATES: Nominations for membership will be considered if they are received by June 3, 2005.

ADDRESSES: Send nominations to: Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Baltimore Maryland 21244–1850, Policy Coordination and Planning Group, Mail stop S2–26–12, Attention: Mary Beth Hance

FOR FURTHER INFORMATION CONTACT: Mary Beth Hance, (410) 786–4299. Press inquiries are handled through the CMS Press Office at (202) 690–6145.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of the Department of Health and Human Services is establishing a Medicaid Commission under Pub. L. 92–463, Federal Advisory Committee Act, to advise the Secretary on ways to modernize the Medicaid program so that it can provide high-quality health care to its beneficiaries in a financially sustainable way.

II. Charter, General Responsibilities, and Composition of the Medicaid Commission

A. Charter Information and General Responsibilities

On May 19, 2005, the Secretary signed the charter establishing the Medicaid Commission. The Commission will terminate 30 days after the date of submission of the final report to the Secretary, but no later than January 31, 2007. The Commission, as chartered under the legal authority of 42 U.S.C 217a, section 222 of the Public Health Service Act, is also governed by the provisions of the Pub. L. 92–463, as amended (5 U.S.C. appendix 2), which sets forth standards for the formation and use of advisory committees, and the provisions of the Government in the Sunshine Act, 5 U.S.C. 552b(b).

You may view obtain a copy of the Secretary's charter for the Medicaid Commission at *http://www.cms.hhs.gov/faca/stcomm.asp.*

The Commission shall submit two reports to the Secretary for his consideration and submission to Congress. By September 1, 2005, the Commission will provide recommendations on options to achieve $10 billion in scorable Medicaid savings over five years while at the same time make progress toward meaningful longer-term program changes to better serve beneficiaries. The Commission will also consider, to the extent feasible, specific performance goals for the Medicaid program, as a basis for its longer-term recommendations. By December 31, 2006, the Commission is tasked with making longer-term recommendations on the future of the Medicaid program that ensures the long-term sustainability of the program.

Meetings shall be open to the public except when closure is specifically allowed by statute, and after all statutory and regulatory requirements for doing so have been met. The Secretary or other official to whom the authority has been delegated shall make such determinations. Notice of all meetings shall be given to the public.

The Commission shall develop proposals that address the following long-term issues:

- Eligibility, benefits design, and delivery;
- Expanding the number of people covered with quality care while recognizing budget constraints;
- Long term care;
- Quality of care, choice, and beneficiary satisfaction;
- Program administration; and
- Other topics that the Secretary may submit to the Commission.

The Secretary will request the representatives of the three public policy organizations (as referenced below) to consider these issues and provide relevant information to the Commission within specified timeframes. The Commission shall consider how to address these issues under a budget scenario that assumes Federal and State spending under the current baseline; a scenario that assumes Congress will choose to lower the rate of growth in the program; and a scenario that may increase spending for coverage. The Commission shall assume that the basic matching relationship between the Federal Government and States will be continued.

B. Composition of the Medicaid Commission

The Commission shall consist of three types of member groups, of which only one will have authority to vote on the recommendations to be provided to the Secretary. The first group will consist of up to 15 voting members.

Voting Members:

- Former or current Governors.
- Three representatives of public policy organizations involved in major health care policy issues for families, individuals with disabilities, low-income individuals, or the elderly.
- Former or current State Medicaid Directors.
- Individuals with expertise in health, finance, or administration.
- Federal officials who administer programs that serve the Medicaid population.
- The Secretary (or the Secretary's designee) and such other members as the Secretary may specify.
- Ex Officio Members.

Non-Voting Advisor Members:

A group of up to 15 non-voting advisors will support the Commission's deliberations with their special expertise. These will include State and local government officials, consumer and provider representatives who have an inherent interest in the Medicaid program.

Non-voting Congressional Advisor Members:

The Congressional Members will consist of eight non-voting members who are current members of the Senate and House of Representatives. The Secretary will request the following legislative leaders to make one Congressional selection each:

- Senate Majority Leader.
- Senate Minority Leader.
- Chairman, Senate Finance Committee.
- Ranking Member, Senate Finance Committee.
- Speaker, House of Representatives.
- Minority Leader, House of Representatives.
- Chairman, House Committee on Energy and Commerce.
- Ranking Member, House Committee on Energy and Commerce.

III. Submission of Nominations

We are requesting nominations for membership as voting members or as non-voting members on the Medicaid Commission. We will consider qualified individuals who are self-nominated or are nominated by organizations representing States, beneficiaries, and providers when we select these representatives. The Secretary will appoint members to serve on the Commission from among those candidates that we determine have the technical expertise to meet specific agency needs in a manner to ensure an appropriate balance of membership.

Any interested person may nominate one or more qualified individuals for each of the categories listed in section II.B of this notice. Each nomination must include the following information:

1. A letter of nomination that contains contact information for both the nominator and nominee (if not the same).

2. A statement from the nominee that he or she is willing to serve on the Commission for its duration (that is, through January 31, 2007) and an explanation of the nominee's interest in serving on the Commission. (For self-nominations, this information may be included in the nomination letter.)

3. A curriculum vitae that indicates the nominee's educational and Medicaid experiences.

4. Two letters of reference that support the nominee's qualifications for participation on the Commission. (For nominations other than self-nominations, a nomination letter that includes information supporting the nominee's qualifications may be counted as one of the letters of reference.)

To ensure that a nomination is considered, we must receive all of the nomination information specified in section III of this notice by June 3, 2005. Nominations should be mailed to the address specified in the **ADDRESSES** section of this notice.

Authority: 42 U.S.C 217 (a), section 222 of the Public Health Service Act, as amended. The Medicaid Commission is governed by the provisions of Pub. L. 92–463 as amended (5 U.S.C. appendix 2), which sets forth standards for the formation and use of advisory committees.

U.S. Department
of Transportation

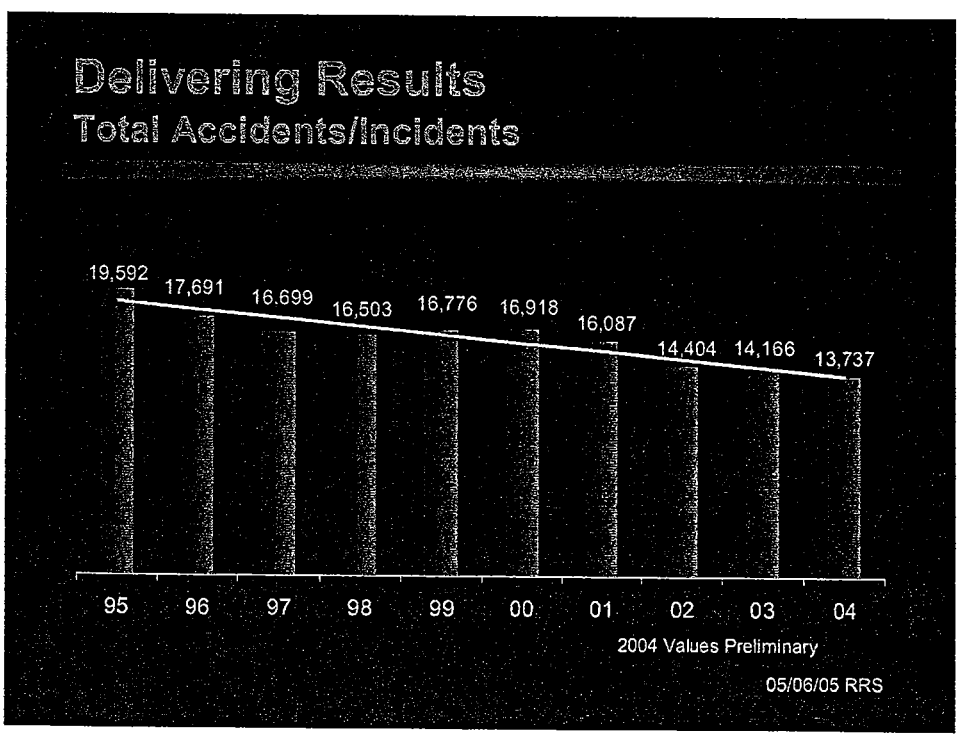
**Federal Railroad
Administration**

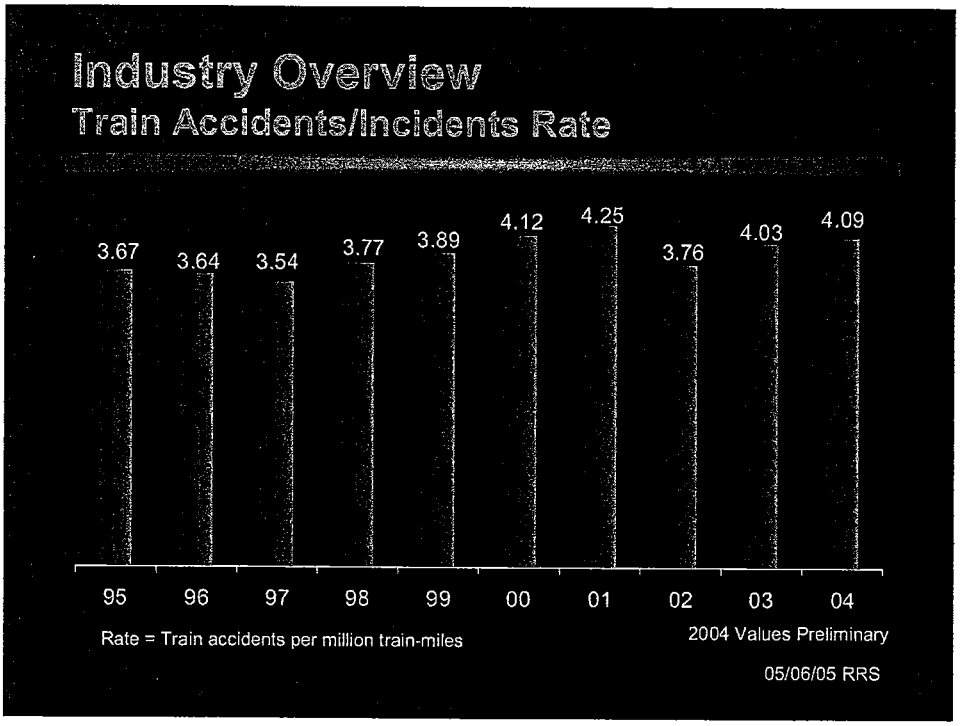
Federal Railroad Administration Action Plan for Addressing Critical Railroad Safety Issues

For Release: May 16, 2005

Introduction

The railroad industry's overall safety record has improved over the last decade and most safety trends are moving in the right direction. However, significant train accidents continue to occur, and the train accident rate has not shown substantive improvement in recent years. Moreover, recent train accidents have highlighted specific issues that need prompt government and industry attention, and the strong growth of rail and highway traffic continue to drive up exposure at highway-rail grade crossings. The Federal Railroad Administration (FRA) is aggressively addressing these critical issues and implementing the plan outlined below to improve railroad safety.





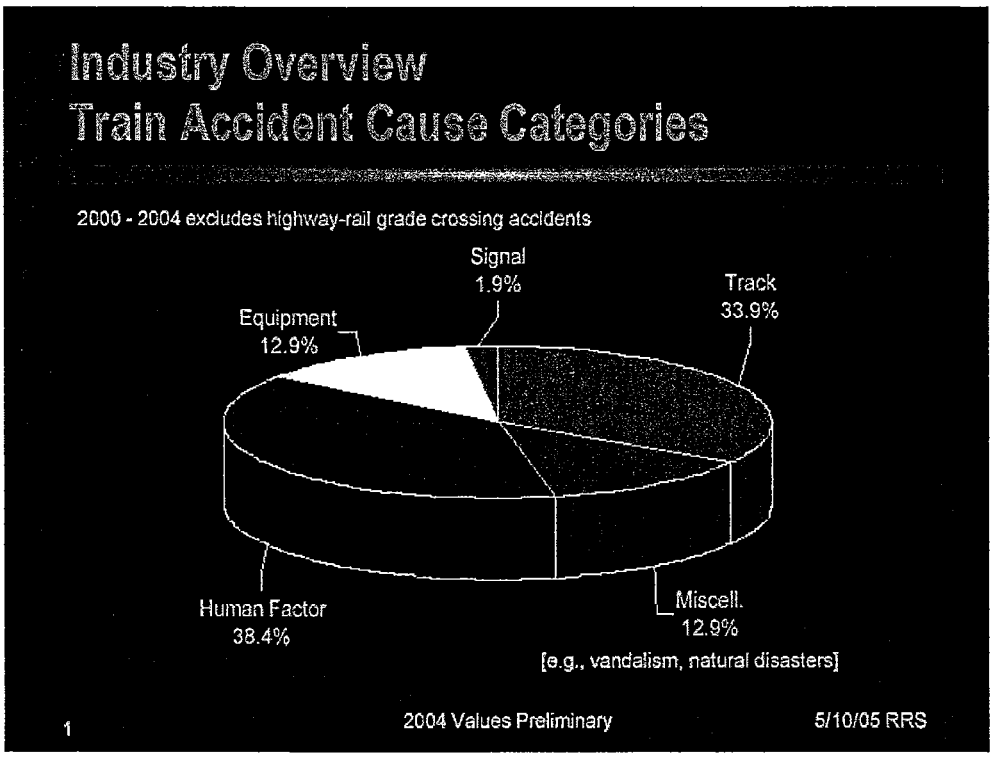
The FRA's safety program is increasingly guided by careful analysis of accident, inspection, and other safety data. FRA attempts to direct both its regulatory and compliance efforts toward those areas involving the highest safety risks. This proactive approach to managing risks is constantly being honed and improved. This action plan embodies that approach and will:

- Target the most frequent, highest risk causes of accidents;
- Focus FRA's oversight and inspection resources; and
- Accelerate research efforts that have the potential to mitigate the largest risks.

The FRA's plan includes initiatives in several areas: reducing human factor-caused train accidents; acting to address the serious problem of fatigue among railroad operating employees; improving track safety; enhancing hazardous materials safety and emergency preparedness; better focusing FRA's resources (inspections and enforcement) on areas of greatest safety concern; and improving highway-rail grade crossing safety

As illustrated by the following graphic, the great majority of train accidents are caused by track and human factors, and human factor accidents are growing in number. The causes of train accidents are generally grouped into five categories: human factors, track and structures, equipment, signal and train control, and miscellaneous. Two categories of accidents–those caused by defective track and those caused by human factors–comprise more than 70 percent of all train accidents and a very high percentage of serious train accidents are, accordingly, the major target areas for improving the accident rate. In recent years, most of the serious events

involving train collisions or derailments resulting in release of hazardous materials, or harm to rail passengers, have been caused by human factor or track causes.



Reducing Human Factor Accidents

Human factors constitute the largest category of train accidents, accounting for 38 percent of all train accidents over the last five years. Based on preliminary findings, and subject to revision when the investigation is complete, the tragic accident in Graniteville, South Carolina on January 6, 2005, stemmed from a human factor: the failure of a train crew to properly line a switch for mainline movement when the crew was going off duty. The next train to traverse that main track hours later was directed onto the wrong track, where it collided with a standing train. As a result, chlorine was released from a tank car in the moving train; nine people died from inhaling the chlorine vapor, and 529 people sought medical care. FRA acted immediately by issuing a Safety Advisory on January 10, 2005, strongly urging all railroads to adopt revised procedures to guard against such a human mistake. Railroads responded swiftly and favorably by adopting those recommendations.

Address leading human factor causes. The FRA's analysis of train accident data has revealed that a small number of particular kinds of human errors are accounting for an inordinate number of human factor accidents. For example, the top ten human factor causes accounted for 58 percent of all human factor accidents in 2004. The leading cause was improperly lined switches, which alone accounted for more than 16 percent of human factor accidents in the last four years. Other leading causes include shoving cars without a person on the front of the move to monitor

conditions ahead, leaving cars in a position that obstructs (fouls) a track, and failure to secure a sufficient number of handbrakes.

Top Human Factor Causes (Train Accidents)[1]

Four-Year Totals (2001 – 2004)

Cause code	Number	Percent of human factor train accidents
H702 Switch improperly lined	751	16.4
H306 Shoving movement, absence of person on point	510	11.2
H307 Shoving movement, failure to control	193	4.2
H302 Cars left out to foul	190	4.2
H704 Switch previously run through	181	4.0
H018 Failure to secure hand brake	163	3.6
H020 Failure to apply sufficient hand brakes	163	3.6
H312 Passed couplers	137	3.0
Total		50.2

At present, few of these kinds of mistakes are prohibited by FRA regulations. (In the examples given above, only the failure to secure a sufficient number of handbrakes is covered by a regulation.) Instead, they are addressed by each railroad's operating rules, which subject employees who violate them to discipline, including dismissal. FRA's regulations require railroads to train their employees on these rules and to test them periodically on their compliance with those rules.

The frequency with which these sorts of operating rule violations result in accidents requires a concentrated effort to reduce such violations. FRA believes a federal regulation prohibiting such actions will provide heightened visibility and operational focus leading to a reduction in their frequency. Even though the vast majority of these accidents occur on low speed tracks and do not often involve loss of life, they always create the potential for serious injury and death and, as the Graniteville accident illustrates, can sometimes occur on higher speed track with tragic consequences. Accordingly, FRA will ask its chartered advisory committee, the Railroad Safety Advisory Committee (RSAC), to develop recommendations for a rule that would address these sorts of human errors. FRA will set a tight but reasonable timetable for receiving those recommendations. Should RSAC not accept the task or produce timely recommendations, FRA will act without RSAC's advice. The result should be regulations (or, perhaps, a non-regulatory

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[1]Omits certain causes for which determining compliance objectively would be difficult (e.g., buff/slack action excessive).

alternative) that go to the heart of the leading causes of human factor accidents. FRA conducted a Human Factors Workshop on April 14 with principal railroad and labor organizations to set the stage for presentation of this task to the RSAC on May 18. **Target for proposed rule:** September 2006.

Develop close call data to reveal reasons for human failures. In other industries such as aviation, implementation of "close call" reporting systems that shield the reporting employee from discipline (and the employer from punitive sanctions levied by the regulator) have contributed to major reductions in accidents. In March of 2005, FRA completed an overarching memorandum of understanding with railroad labor organizations and management to develop pilot programs to document close calls, i.e., unsafe events that do not result in a reportable accident but very well could have. Participating railroads will be expected to develop corrective actions to address the problems that may be revealed. The aggregate data may prove useful in FRA's decision-making concerning regulatory and other options to address human factor-caused accidents. Experiences on the Norwegian railway (Sernbaneverket), showed a 40 percent reduction in accidents after three years of implementation of a similar program. In a manufacturing environment, Syncrude, a mining company, experienced a 33 percent reduction in lost time frequency after one year of implementing a close call system. **Target to commence pilot project on one or more railroads:** February 2006.

Addressing Fatigue

Fatigue has long been a fact of life for many railroad operating employees, given their long and often unpredictable work hours and fluctuating schedules. The hours of service law sets certain maximum on-duty periods (generally 12 hours for operating employees) and off-duty periods (generally 8 hours, or if the employee has worked 12 consecutive hours, a 10-hour off-duty period is required).

FRA's knowledge of the industry's work patterns and the developing science of fatigue mitigation, combined with certain National Transportation Safety Board investigations showing employee fatigue as a major factor, have persuaded FRA that fatigue is very likely at least a contributing factor in a significant number of human factor accidents. To try to obtain better information on the subject, FRA revised its own accident investigation procedures in 2004 to ensure that FRA investigators collect information on employees' sleep/rest cycles and evaluate fatigue as a factor.

Accelerate research. FRA is accelerating its ongoing research aimed at validating and calibrating a fatigue model (which has already been proven in the laboratory by the Department of Defense) that can be used to (I) more precisely determine the role of fatigue in human factors accidents and (ii) improve crew scheduling by evaluating the potential for fatigue given actual crew management practices. When the model is properly validated, it will be made available to railroads and their employees as foundation for developing crew scheduling practices based on the best current science. The work plan for model validation will also provide a much more

precise accounting of the role of fatigue (including acute fatigue, cumulative fatigue, and "circadian" or time-of-day effects) in train accidents. **Target for final report**: December 2005.

Improving Track Safety

Track-caused accidents comprised 34 percent of all train accidents over the last five years. However, the trend is positive. The absolute number of such accidents was down considerably in 2004, as was the rate of track-caused accidents. FRA believes that one important factor in reducing this rate was the agency's conscious attempt, starting in 2003, to focus its track inspectors on the areas of highest risk, and to encourage them to take enforcement action on the kinds of regulatory violations that are the leading causes of track-caused accidents. This data-based approach has shown great benefits and will continue.

Deploy technology for track safety. However, some of the leading causes of accidents in this area are very difficult to detect in normal railroad inspections. Broken joint bars, for example, are a leading cause, but the kinds of cracks in those bars that foreshadow a derailment-causing break are very hard to spot with the naked eye in normal inspections. Similarly, broken rails account for some of the most serious accidents, but the internal flaws that lead to many of those breaks can be detected only by specialized equipment. FRA is conducting research to enhance the detection capability in both of these areas. For example, FRA is conducting research and demonstration to develop a system that can capture images of joint bars from a hy-rail vehicle or other on-track equipment and analyze the images to detect cracks. FRA is also researching technologies that will alert train crews to broken rails before they approach them. In both these cases, FRA's research will include analysis of the costs and safety benefits of adopting these methodologies. FRA has identified both a way to accelerate the development of these projects and funds with which to do so. **Target for demonstration of joint bar imaging system:** October 2005.

Subtle track geometry defects are also difficult to identify in walking or hy-rail inspections. The FRA is procuring two additional track geometry cars to complement the existing state-of-the art vehicle (T-2000). This additional capability will permit FRA to cover major hazardous materials and passenger routes, while also having the ability to follow up more quickly on routes where safety performance is substandard. **Target for second car (towed) to be operational:** September 15, 2006. **Target for third car (self-propelled) to be operational:** December 15, 2006.

Improving Hazardous Materials Safety and Emergency Response Capability

Generally, the rail industry's record on transporting hazardous materials is very impressive. The industry transports roughly 1.7 million shipments of hazardous materials annually, ordinarily without incident. During the period 1994 through 2004, a total of nine fatalities resulted from the release of hazardous materials in train accidents. In 2003, there were 27 train accidents involving the release of hazardous materials, which is the second lowest number ever recorded; in 2004, there were 29 such events. However, the Graniteville accident, which involved nine

deaths as the result of the release of hazardous materials, demonstrates the potential for serious consequences from train accidents. FRA is engaged in a variety of activities intended to both reduce the likelihood that a train accident will result in a hazardous materials release and to ensure that, if a release occurs, local emergency responders will be fully prepared to minimize the damage and loss of life that might occur.

Identify promising technologies for reduction of train accident risk in dark (non-signaled) territory where hazardous materials are transported, particularly materials toxic by inhalation. FRA is reviewing technological options for reducing risk on lines where traffic levels would not support installation of signal or train control systems. Options include switch position detection tied to various means of communication, low-cost circuits to detect broken rails, and procedural changes in the railroads' operations.

Ensure that emergency responders have timely access to hazardous materials information. Railroads and hazardous materials shippers are currently subject to hazard communication requirements of the Hazardous Materials Regulations, and in addition these industries work through the American Chemistry Council's Responsible Care Program (and the affiliated TRANSCAER® effort) to familiarize local emergency responders with railroad equipment and product characteristics. The Association for American Railroads (AAR) also offers hazardous materials incident response training at the Transportation Technology Center (Pueblo, CO), including hands-on familiarization with railroad tank car valves and fittings and a full-scale derailment simulation exercise with actual rolling stock. The Pipeline and Hazardous Materials Safety Administration (PHMSA) (in concert with sister agencies in Canada and Mexico) publishes the Emergency Response Guidebook, with the intention that it may be found at virtually every firehouse and in every response vehicle on the North American continent. **On March 1, 2005, with FRA encouragement, the AAR amended its Recommended Operating Practices for Transportation of Hazardous Materials (Circular No. OT-55-G) to expressly provide that local responders, upon written request, will be provided with a ranked listing of the top 25 hazardous materials transported through the community.** This is an important step, which establishes a procedure for bona fide planning and response organizations to receive this information. However, these efforts alone have not been sufficient for some local responders to gain confidence in handling hazardous materials incidents.

Despite requirements that train crews possess current hazardous materials information, including 24-hour shipper contact information, despite the fact that every hazardous materials car is placarded using an internationally recognized system, and despite the fact that the American Chemistry Council maintains a 24-hour "CHEMTREC" service that provides expert advice on handling these events, including direct links to product manufacturers, issues occasionally arise regarding the availability of information following a major train accident or non-accident release. FRA is currently undertaking a project to provide avenues that enhance emergency response information availability to personnel responding to an accident/incident involving hazardous materials. Recognizing the strong interest in establishment of a redundant system that could be employed if other information delivery methods fall short during the early minutes following an accident, FRA has approached the AAR and requested that it utilize its RAILINC subsidiary to

"push down" train consist information, including hazardous materials information, to emergency responders using a system such as the following:

- Participating railroads (who are responsible for greater than 85 percent of the transportation in question) would, upon receiving notice of a derailment involving hazardous materials, notify all emergency response dispatchers in the area (directly or through existing mutual help channels) and invite them to download, from a secure web site maintained by RAILINC, current consist and hazmat information;
- Responders would use existing internet access and receive the documents in a standard format, such as a "pdf" or rich text file; and
- The transmission would include a railroad operations contact number for follow-up.
- Alternatives options are being considered to identify stake-holders' needs.

This type of system could also be used to "pull down" hazardous materials information in a case where the response organization has identified an apparent non-accident release of which the railroad is unaware. **Target for pilot start-up for new hazmat information delivery program:** July 2005.

Accelerate tank car structural integrity research. FRA has already begun research arising from the Minot, North Dakota, accident in 2002, which resulted in one death and 11 injuries due to the release of anhydrous ammonia. Current research involves a 3-step approach to assess the consequences of tank cars involved in derailments. The first phase is development of a physics-based model to analyze the kinematics of rail cars in a derailment. The second phase is development of the dynamic structural analysis models. The third phase is an assessment of the damage created by puncture and entails the application of fracture mechanics testing and analysis methods. The Volpe National Transportation Systems Center is doing the modeling work now. Work on tank car structural integrity will also be applicable to the MacDona, Texas, accident (a release of chlorine that killed three people in June 2004) and the Graniteville accident. **Target for completion of research:** As early as December 2006, if necessary additional funding is made available, but not later than July 2008.

Strengthening the FRA Compliance Program

Make better use of data. The Office of the Inspector General (OIG) has recommended that FRA submit to the Secretary a comprehensive plan for implementing a program that makes meaningful use of available data to focus inspection activities, assess whether traditional enforcement techniques should be substituted for a partnership approach, and determine appropriate fines where warranted. FRA's response to OIG contains the essential elements of the plan. As the OIG recognized, FRA had begun developing a new National Inspection Plan (NIP) process prior to the subject audit. FRA has also made extensive use of accident and inspection data to target compliance problems. FRA agrees that integration and extension of this effort is desirable and should be useful to help make our programs more efficient and effective.

Important attributes of the plan are as follows:

- Beginning with the operating practices (human factors), track and motive power and equipment disciplines, FRA will implement a new NIP. The NIP is an inspection allocation program that uses predictive indicators to distribute inspection activities within a region by railroad and by State;
- Following validation of the NIP through evaluation of experience under the new allocation formulas, FRA will review resource allocation among the regions and technical disciplines. Pending NIP validation, FRA will employ conscious priorities based upon observed, quantitative outcomes to allocate human resources;
- Within the NIP inspection allocations, FRA will specify major program priorities based on analysis of available data. Reduction of human factors- and track-caused train accidents will constitute the initial areas of emphasis; and
- FRA will specify additional leading indicators and outcomes to be tracked by headquarters and regional specialists and will begin to build standard queries to simplify data dissemination and analysis.

Target met: On April 29, 2005, FRA regions commenced use of the core features of the new NIP for allocation of inspection effort. This initial implementation covers track and human factors (operating practices), the areas responsible for over two-thirds of train accidents.
Target for full implementation in all disciplines: January 2006.

Fostering Further Improvements in Highway-Rail Grade Crossing Safety

Deaths in grade crossing accidents are the second-leading category of deaths associated with railroading (trespasser fatalities are the leading category). The number of grade crossing deaths has declined substantially in recent years. For example, 331 persons died in these accidents in 2003, as compared to 615 in 1994. The decline over that decade was steady. However, the growth in rail and motor vehicle traffic continues to present challenges, as evidenced by an increase in crossing fatalities in 2004 over 2003. The Secretary's 2004 Action Plan for Highway-Rail Crossing Safety and Trespass Prevention sets forth a series of initiatives in the fields of engineering, education and enforcement. In the near-term, FRA will stress the following actions that are consistent with the themes of the Plan.

Build partnerships with State and local agencies; call railroads' attention to their crossing safety duties. FRA will issue and widely disseminate information concerning its capabilities to obtain locomotive event recorder data and to evaluate the sound functioning of warning systems, so that local crossing investigations are supplemented, as needed, with information from the rail side. FRA will also disseminate information derived from recent accidents that indicates the need for action by the railroads to review warning circuitry and train their employees. **Target met:** A Safety Advisory addressing issues related to grade crossing safety was published in the Federal Register on May 2, 2005. FRA will disseminate this advisory through national law enforcement organizations and through contacts with local agencies. On May 18, FRA will separately brief the RSAC on safety issues related to circuit design and crew performance related to warning device functioning.

FRA is also working with the State of Louisiana to assist the State in developing its own Action Plan for highway-rail crossing safety. This effort was launched by the Governor at the Emergency Crossing Safety Conference during March 2005. Among other ideas, FRA will offer for consideration the new "corridor risk index" approach to resource allocation that was developed for use in the final rule on Use of Locomotive Horns at Highway-Rail Grade Crossings, published on April 27, 2005. **Target for development of Louisiana State Action Plan:** August 2005.

In addition, FRA will work with the grade crossing safety community to determine appropriate responses to the growth in pedestrian fatalities at highway-rail crossings, which accounted for a substantial portion of the increase in crossing fatalities in 2004.

Conclusion

The FRA's action plan sets the course for continuing the improving trends in railroad safety that has occurred over the last decade. The plan is based on analysis of relevant safety data, FRA's extensive experience on safety issues, and additional needs identified as the result of recent accidents.